

08/15/2019

JULIA C. DUDLEY, CLERK

BY: s/ F. COLEMAN
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**
LYNCHBURG DIVISION

MARTIN S.,¹

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CASE NO. 6:18-cv-00062

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on the parties' cross motions for summary judgment (dkt. 11, 13), and the Report & Recommendation of United States Magistrate Judge Robert S. Ballou (dkt. 15, hereinafter "Report"). Pursuant to Standing Order 2011-17 and 28 U.S.C.

§ 636(b)(1)(B), I referred this matter to Judge Ballou for proposed findings of fact and a recommended disposition. The parties filed cross motions for summary judgment, and on July 29, 2019, Judge Ballou filed a Report recommending that Plaintiff's Motion for Summary Judgment, (dkt. 11), be granted in part, the Commissioner's Motion for Summary Judgment, (dkt. 13), be denied, and the matter remanded for further consideration by the Commissioner. After a review of the record in this case, and no objections having been filed to the Report within fourteen days of its service upon the parties, I adopt the Report in its entirety.

Accordingly:

1. The Report of July 29, 2019, is hereby **ADOPTED** in its entirety;
2. Plaintiff's Motion for Summary Judgment, (dkt. 11), is hereby **GRANTED in part**;

¹ This Court adopts the recommendation of the Committee on Court Administration and Case Management of the Judicial Conference of the United States that courts only use the first name and last initial of the claimant in social security opinions.

3. Defendant's Motion for Summary Judgment, (dkt. 13), is hereby **DENIED**; and

4. This case is hereby **REMANDED** to the ALJ for further proceedings consistent with Judge Ballou's Report.

The Clerk of the Court is hereby directed to send a copy of this Order to all counsel of record and to United States Magistrate Judge Robert S. Ballou.

It is so **ORDERED**.

Entered this 15th day of August, 2019.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE